

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

)	
In the matter of)	CIVIL ACTION
LET VESSELS, LLC, as Owner of and ELLEN)	No.: 1:20-CV-11547-DJC
W, LLC as bareboat charterer of)	
The F/V LADY BRITTANY (O.N. 1123286),)	
a 104' clam fishing vessel, for Exoneration from or)	
Limitation of Liability.)	IN ADMIRALTY
)	

**PLAINTIFF'S MOTION FOR ORDER DIRECTING
ISSUANCE OF NOTICE AND RESTRAINING SUITS**

Now comes the Plaintiffs, Let Vessels, LLC ("Let"), as owner of and Ellen W, LLC ("Ellen") as bareboat charterer of the F/V LADY BRITTANY (O.N. 1123286), by and through their undersigned counsel, and respectfully moves this Honorable Court for an Order directing issuance of Notice to Claimants and restraining all actions outside the proceedings herein.

The Plaintiffs submit the foregoing pursuant to Rule F(3) and (4) of the Supplemental Rules for Certain Admiralty and Maritime Claims and according to local practice before the United States District Court for the District of Massachusetts. Rule F(3) states that upon compliance by the vessel owner with the requirements of Rule F(1), all claims and proceedings against the owner or his vessel with respect to the subject collision shall cease.

On August 17, 2020, the Plaintiffs filed their Complaint with the Stipulation re Security for Value of his interest in F/V LADY BRITTANY in compliance with Rule F(1). As further provided by Rule F(3), and on application of the Plaintiffs, this Honorable Court shall enjoin the further prosecution of any action or proceeding against the Plaintiffs or their vessel with respect to any claim subject to limitation in this action.

Additionally, and as required by Rule F(4), the Plaintiffs also seek this Honorable Court's

issuance of notice to all persons asserting claims against the Plaintiffs with respect to the subject loss, admonishing them to file their respective claims with the clerk of this Court and to serve said claim on the Plaintiff's undersigned attorneys on or before Friday, October 30, 2020.

The Plaintiffs attach herewith his proposed Order Directing Issuance of Notice and Restraining Suits as ***Exhibit A*** and Notice of Complaint for Exoneration from or Limitation of Liability as ***Exhibit B***.

WHEREFORE, the Plaintiff, Plaintiffs, Let Vessels, LLC ("Let"), as owner of and Ellen W, LLC ("Ellen") as bareboat charterer of the F/V LADY BRITTANY (O.N. 1123286), prays that their Motion be allowed and that the Order issue forthwith.

Respectfully submitted,
LET VESSELS, LLC and
ELLEN W, LLC,
By their counsel,

/s/David S. Smith
David S. Smith, Esq.
BBO No.: 634865
FARRELL SMITH O'CONNELL
Aarsheim Aprans, LLP
27 Congress Street, Suite 109
Salem, Massachusetts 01970
978-744-8918 (Tel)
978-666-0383 (Fax)
dsmith@fsofirm.com

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

)	
In the matter of)	CIVIL ACTION
LET VESSELS, LLC, as Owner of and ELLEN)	No.: 1:20-CV-11547-DJC
W, LLC as bareboat charterer of)	
The F/V LADY BRITTANY (O.N. 1123286),)	
a 104' clam fishing vessel, for Exoneration from or)	
Limitation of Liability.)	IN ADMIRALTY
)	

ORDER DIRECTING ISSUANCE OF NOTICE AND RESTRAINING SUITS

A Complaint having been filed herein on August 17, 2020 by the above named Plaintiffs, Let Vessels, LLC (“Let”), as owner of and Ellen W, LLC (“Ellen”) as bareboat charterer of the F/V LADY BRITTANY (O.N. 1123286), 104’ clam fishing vessel, for Exoneration from and/or Limitation of Liability pursuant to 46 U.S.C.A. §30501 through 46 U.S.C.A. §30512 inclusive and Rule F of the Supplemental Rules for Certain Admiralty and Maritime Claims of the Federal Rules of Procedure for any and all losses, damages, injuries or casualty incurred in connection with the loss that occurred on January 21, 2020 as more fully described in the Complaint.

AND the Complaint having stated that the value of Plaintiff’s interest in the said F/V LADY BRITTANY on January 21, 2020, has been duly appraised, approved, and fixed at \$2,230,000.00 with no freight pending at the time of the incident as set forth in the Declaration of Michael Collyer filed on August 17, 2020.

Now on motion of Farrell Smith O’Connell, attorneys for the Plaintiffs, it is hereby


ORDERED AS FOLLOWS:

1. The above described Declaration, describing the F/V LADY BRITTANY with a Fair Market Value of \$2,230,000.00 and having no pending freight was filed with this Honorable Court on January 21, 2020.
2. A Notice shall be issued by the Clerk of this Court to all persons asserting claims with respect to which the Complaint seeks limitation admonishing them to file their respective Claims with the Clerk of this Court in writing, and serve on the attorneys for the Plaintiff a copy thereof on or before the 30th day of October, 2020 or be defaulted, and that if any Claimant desires to contest either the right to Exoneration from or the right to Limitation of Liability, he/she shall file and serve on attorneys for the Plaintiff an Answer to the Complaint so designated, or be defaulted.
3. The aforesaid Notice shall be published in The Boston Globe newspaper, as provided by Rule F(4) of the Supplemental Rules for Certain Admiralty and Maritime Claims of the Federal Rules of Civil Procedure and copies of said Notice shall be mailed in accordance with said Rule F(4).
4. The further prosecution of any and all actions, suits, and proceedings already commenced and the commencement of prosecution thereafter of any and all suits, actions, or proceedings, of any nature and description whatsoever in any jurisdiction, and the taking of any steps and the making of any motion in such actions, suits, or proceedings against the Plaintiffs, as aforesaid, or against the F/V LADY BRITTANY or against any property of the Plaintiffs except in this action, to recover damages for or in respect of any loss, damage, injury or destruction caused by or resulting from the aforesaid loss, occasioned or incurred in connection with the loss that occurred on the Plaintiffs' vessel, F/V LADY BRITTANY on January 21, 2020 as alleged in the Complaint are hereby stayed and restrained until the hearing and determination of this

proceeding.

5. Service of this Order as a restraining order may be made through the Post Office by mailing a conformed copy thereof to the person or persons to be restrained or to the respective attorneys or alternatively by hand.

Sept.
Dated: ~~August~~ 1, 2020
Boston, Massachusetts


Denise J. Casper, U.S. District Judge

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

)	CIVIL ACTION
In the matter of)	No.: 1:20-CV-11547-DJC
LET VESSELS, LLC, as Owner of and ELLEN)	
W, LLC as bareboat charterer of)	
The F/V LADY BRITTANY (O.N. 1123286),)	
a 104' clam fishing vessel, for Exoneration from or)	
Limitation of Liability.)	IN ADMIRALTY

**NOTICE OF COMPLAINT FOR EXONERATION
FROM OR LIMITATION OF LIABILITY**

NOTICE is hereby given that Plaintiffs, Let Vessels, LLC (“Let”), as owner of and Ellen W, LLC (“Ellen”) as bareboat charterer of the F/V LADY BRITTANY (O.N. 1123286), 104’ clam fishing vessel has filed his Complaint pursuant to 46 U.S.C.A §30501 through 46 U.S.C.A. §30512 claiming the right to Exoneration and/or Limitation of Liability in respect of any and all losses, damages, injuries or casualty incurred in connection with a lost that occurred on board the Plaintiffs’ vessel, F/V LADY BRITTANY, on January 21, 2020 as more fully described in the Complaint.

All persons having such Claims must file them, under oath, as provided by Supplemental Rules for Certain Admiralty and Maritime Claims Rule F(4), with the Clerk of this Court at the United States District Court, 1 Courthouse Way, Boston, Massachusetts 02210, and serve on or mail to the Plaintiff’s attorneys, David S. Smith, Esq., Farrell Smith O’Connell, LLP, 27 Congress Street, Suite 109, Salem, Massachusetts 01970, a copy thereof, at or before 5:00 P.M. on or before Friday, October 30, 2020 or be defaulted. Personal attendance is not required.

If any Claimant desires to contest either the right to Exoneration from or the right to

Limitation of Liability, he/she shall file and serve on the attorneys for the Plaintiffs an Answer to the Complaint on or before the aforesaid date unless his/her Claim has included an answer, so designated, or be defaulted.

Dated: _____

Deputy Clerk